

REMARKS

Thorough examination of the application is sincerely appreciated.

Since there were no rejections of claims 1, 3-7, 11, 12, 18-25 and 29 in the Office Action, Applicant's representative wishes to thank the Examiner for the allowance of those claims.

According to the Office Action, claims 26-28 were rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter. In response, the rejection is respectfully traversed as failing to comply with the established cases and statutory law.

The Supreme Court has construed §101 broadly, noting that Congress intended statutory subject matter to “include anything under the sun that is made by man”. Despite this seemingly limitless expanse, the Court has specifically identified three categories of unpatentable subject matter: “laws of nature, natural phenomena, and abstract ideas.” (*AT&T Corp. v. Excel Communications, Inc.* 172 F. 3d 1368, (Fed. Cir. 1999) citing *Diamond v Chakrabarty* 447 U.S. 303 (1980) and *Diamond v. Diehr* 450 U.S. 175 (1981)).

Applicant's claims 26-28 recite a method, which clearly falls within an enumerated statutory category of 35 USC §101. Contrary to the Office Action, those claims provide useful, concrete and tangible result, and they don't contain any limitations of laws of nature, natural phenomena, and abstract ideas, which are exceptions to the patentable subject matter according to the Supreme Court.

Applicant's claims 26-28 do not recite any mathematical algorithms, formula or calculations. Applicant's claims 26-28 do not recite any laws of nature. Applicant's claims 26-28 do not recite any abstract ideas. Applicant's claim 26 recites a method for providing to a server an identification of at least one device, the device being one of a plurality of devices having codes stored in the server for graphically representing on a graphic user interface of a

remote control device one or more controllable features of the device; and receiving code for graphically representing a controllable feature of the at least one device on a graphic user interface of a remote control device. It is respectfully submitted that, among other things, the steps of 1) providing an identification, 2) having codes stored in the server, 3) graphically representing, 4) receiving code, etc., provide useful, concrete and tangible result and don't represent the above-mentioned exceptions to the patentable subject matter.

It is believed that claims 26-28 are in full compliance with 35 USC 101. Withdrawal of the rejection is requested.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and conclude the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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